

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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August 25, 2016

MEMO TO COUNSEL RE: Merkle Group, Inc. v. Marc Fanelli, et al.
Civil No. JFM-16-1454

Dear Counsel:

I have reviewed the memoranda submitted in connection with Marc C. Fanelli's motion to dismiss or for summary judgment and Karen Caulfield's motion to dismiss or for summary judgment. The motions (documents 41 and 42) are denied. I am satisfied that factual disputes are presented, and that I should not consider the issues raised by the motions until discovery has been completed. I note that there is a conspiracy count and therefore confidential information taken by Chandos C. Quill might be attributed to the moving defendants. I also note that there seems to be a factual dispute concerning the scope of the CRM industry in regard to Fanelli's motion regarding his covenant not to compete.

This said, I am concerned about Fanelli's and Caulfield's employment status. Accordingly, I am ruling upon their motion and sending you a tentative scheduling order prior to my ruling upon Quill's motion to dismiss or for summary judgment. The tentative scheduling order is enclosed. It sets a short deadline for the conducting of discovery.

A conference call will be held on September 8, 2016 at 4:30 p.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call. Please consult with one another before the call and be prepared to discuss whether you would like to participate in a settlement conference either before or after the completion of discovery, any changes to the dates in the form scheduling order, and whether there is unanimous consent to proceed before a U.S. Magistrate Judge for all proceedings.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,


J. Frederick Motz
United States District Judge

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